

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANDREW MYLINH,

Civil No. 05-866-AS

Plaintiff,

ORDER

v.

JO ANNE B. BARNHART,
Commissioner of Social Security

Defendant.

HAGGERTY, Chief Judge:

On September 20, 2006, Magistrate Judge Ashmanskas issued a Findings and Recommendation in this action [43], in which the Magistrate Judge recommended that the Administrative Law Judge's determination that plaintiff did not suffer from a disability should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for calculation of award of benefits. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written

objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts the Magistrate's Findings and Recommendation.

CONCLUSION

The Findings and Recommendation [43] is adopted in its entirety.

IT IS SO ORDERED.

Dated this 16 day of October, 2006.

/s/ ANCER L. HAGGERTY

ANCER L. HAGGERTY

United States District Judge